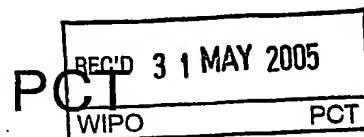


PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY



To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/050266

International filing date (day/month/year)
24.01.2005

Priority date (day/month/year)
30.01.2004

International Patent Classification (IPC) or both national classification and IPC
G02B26/02, G02B3/14, G02B7/02

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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Authorized Officer

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050266

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050266

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
Industrial applicability (IA)	Yes: Claims	1.8
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and /or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

1 Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 10, 10 October 2002 (2002-10-10) - & JP 2002 162506 A (CANON INC), 7 June 2002 (2002-06-07)
- D2: WO 03/069380 A (KONINKLIJKE PHILIPS ELECTRONICS N.V; FEENSTRA, BOKKE, J; KUIPER, STEIN) 21 August 2003 (2003-08-21)
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- D5: US-A-5 739 959 (QUAGLIA ET AL) 14 April 1998 (1998-04-14)
- D6: US-A-5 541 776 (KOBAYASHI ET AL) 30 July 1996 (1996-07-30)

2 INDEPENDENT CLAIM 1

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (cf. Fig. 1-4, par. [0067]-[0090]) (the references in parentheses applying to this document):

Variable focus lens package (1), comprising:

- a body (201), which is provided with a through-hole (fluid chamber) for providing a light path through the body, wherein at least a surface layer of the body (10) comprises an electrically conducting material and which body is provided with covers (102, 106) for closing off the through-hole, which are optically transparent in the light path;
- an electrically insulating fluid (122) and an electrically conducting fluid (121) which are contained by a fluid chamber (85) enclosed by the covers (102, 106) and an inner surface of the through-hole of the body, which are non-miscible, and which are in contact over a meniscus (124), wherein a shape of the meniscus (88) is variable under the application of a voltage between the electrically conducting surface of the body and the electrically conducting fluid (cf. par. [0057]-[0059]);
- an electrically insulating member (104, 112) covering at least the portion of the

surface of the body contacting the electrically conducting fluid (121);

- sealing means (150, 151) for sealing the fluid chamber; and

- at least one expansion member (150) which is at least partially flexible and which is part of a circumscription of the fluid chamber, wherein said expansion member (150) is capable of compensating for variations of the volume of the fluids (121, 122) by keeping a pressure prevailing inside the fluid chamber at a substantially fixed level, and wherein said expansion member (150) comprises at least a portion of the sealing means (150) (cf. Fig. 1-4; par. [0085]-[0090]).

- 2.2 For reasons of completeness, it is noticed that it appears obvious to provide the device of D2 (Fig. 1-4) with a flexible membrane (cf. D2: pg. 7, ln. 30-32) as disclosed in either D1 (Fig. 1-4) or D3 (cf. Fig. 3; col. 4, ln. 3-48) in order to accommodate volume changes due to thermal expansion (Art. 33(3) PCT)

3 DEPENDENT CLAIMS 2-6

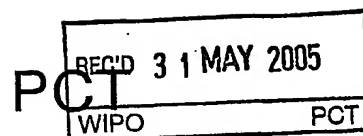
Dependent claims 2-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step because they refer to features of the expansion member that are known or obvious (Article 33(2) and (3) PCT).

4 INDEPENDENT CLAIMS 7,8

The claims regard typical devices (as also disclosed by the available prior art) comprising the apparatus of claim 1, hence the same argumentation as for claim 1 applies (Art. 33(2) and 33(3) PCT).

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Authorized Officer

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Telephone No. +49 89 2399-2471



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/050266

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/050266

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	No: Claims	1-8
Inventive step (IS)	Yes: Claims	
	No: Claims	1-8
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2. Citations and explanations

see separate sheet

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see form 210

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- an electrically insulating fluid (122) and an electrically conducting fluid (121) which are contained by a fluid chamber (85) enclosed by the covers (102, 106) and an inner surface of the through-hole of the body, which are non-miscible, and which are in contact over a meniscus (124), wherein a shape of the meniscus (88) is variable under the application of a voltage between the electrically conducting surface of the body and the electrically conducting fluid (cf. par. [0057]-[0059]);
- an electrically insulating member (104, 112) covering at least the portion of the

surface of the body contacting the electrically conducting fluid (121);

- sealing means (150, 151) for sealing the fluid chamber; and

- at least one expansion member (150) which is at least partially flexible and which is part of a circumscription of the fluid chamber, wherein said expansion member (150) is capable of compensating for variations of the volume of the fluids (121, 122) by keeping a pressure prevailing inside the fluid chamber at a substantially fixed level, and wherein said expansion member (150) comprises at least a portion of the sealing means (150) (cf. Fig. 1-4; par. [0085]-[0090]).

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3 DEPENDENT CLAIMS 2-6

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